

IN THE HIGH COURT OF JUDICATURE AT BOBBY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4902 OF 2004

Sanjay Vijaysingh Padode ..Applicant.

V/s.
The State of Maharashtra & Anr. ..Respondents.

Shri A.V. Ajaikumar i/by Nankani & Associates for the Applicant.

Shri A.S. Gadkari, APP for Respondent -State.

CORAM : A.M.KHANWILKAR, J.
DATED : 05.11.2004

PC :-

1. Not on board. Upon mentioning, taken on board.

2. Heard the learned counsel for the parties.

3. The applicant prays that he may be permitted to travel abroad and a consequential order for return of pass port for that purpose may be passed. Reliance is placed on the order passed by this court in the case of co-accused namely, Pratap Vijaysingh Padode, dated 30th September, 2004, where such arrangement was permitted. The said co-accused incidently happens to be the brother of the applicant herein. In the case of the applicant, however, learned APP submits that

the concerned authority / officer apprehends that the present applicant will not return to India. However, no material is placed on record to support this position. As the applicant's brother has already been permitted to travel abroad and he has already complied with the conditions and the applicant herein also assures to abide by the conditions on the same terms, in the interest of justice, the present Application is granted on the undertaking given by the applicant on affidavit before this court, sworn on 2nd November, 2004, which is taken on record.

4. The pass-port of the applicant be returned to enable the Applicant to go to Kuwait for a period of 10 days from 6th November, 2004. The undertaking of the applicant that he will fly by Kuwait Airways and will be staying at CMC Ltd., accommodation in Kuwait is accepted. Similarly, the undertaking that the Applicant will return to India on 16th November, 2004 is also accepted.

5. The applicant to hand over the pass-port to Respondent No.2 within two days from his return to Mumbai i.e. on or before 19th November, 2004.

6. Ordered accordingly. Parties to act on an

authenticated copy of this order.

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